

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, April 13, 2021 at 7:00 p.m. Commissioners present were Cathy Yasuda, Helen Dickinson, Jim Ashley, Terry Heitz, Barry Carlman, Tami DeCuro, Carrie Grant, and Lindsey Judson. Commissioner Mike Smith was absent.

Staff present were Danny Little, and Beth Earles.

Guests present included Don Mitchell, Rich Harriman, Kevin Sorensen, Catherine Cate, Nelson Hart, Debra Hart, LaVaughan Beck, Annie Marshall, Clinton Marshall, Grant Baxter, Marvin Lasnick, Grace Field, Ken Dillon, Ed and Terry Schuebert, Jerry Campbell, Gary Johnson, Ed Needles, Doug DeLong, Steve Lambert, Dan Henrickson, Bill Hadlock, Nathan McGehee, Josh Knott, Larry Hale, Greg Randleman, Linda White-Blagg, Deb Acock, Shaya Trujillo, Paul Knudson, Michael Moscrip, Shannon and Diana Luoma, Andrew Kimmel, Ken and Julia Bishop, Deleire Ward, Dave Lockne, Amber Harriman, Barbara Martien, Derrick Helderman, Brian Howell, Nola Benedict, Paul Bierlein, and Clinton Condra.

Commissioner Grant made the motion to approve the March 9, 2021 meeting minutes. Commissioner Ashley seconded the motion. Motion carried.

Public Hearings

Opening the first hearing at 7:04 p.m., Zoning Administrator, Danny Little, explained public hearing procedures and asked the commissioners to disclose any conflicts. No conflicts were declared.

Grizzly Leasing, LLC - Annexation, Comprehensive Plan Amendment from Single Family Residential to Multi-Family Residential, Zoning Designation of Multi-Family Residential for Property in the North 2110 Block of E. 1st Street: Michael Moscrip (2056 Spring Creek Drive), owner of Grizzly Leasing, LLC testified he is requesting annexation and Multi-Family zoning with the desire to develop a planned community. Mr. Moscrip is proposing forty rental units in two-story structures over five acres including parks, and community facilities. Construction costs will determine the exact number of units. Desires to begin infrastructure this year and begin construction next Spring. Feels the development will blend in with recent new developments along E. 1st Street and will fill a housing need for those who are unable to afford single family homes due to housing price hikes. Traffic impact will not be great due to the road improvements on Pennsylvania Avenue and E. 1st Street have created roads sufficient enough to handle any increase in traffic. Does not own properties between his proposed development and the White Pine Country Acres development, therefore feels he is unable to connect curb, gutter and sidewalk.

Written testimony was received from Kasey Ketterling of T-O Engineers, Public Works Supervisor, Jerry Campbell, Will Mason of Mason & Associates, Midge Kline of Marathon Pipe Line, William Russell of T-O Engineers, Jerry Campbell, Larry and Sharon Stuck.

Clint & Annie Marshall (2130 E. 1st Street) testified the development will adjoin their property. Mr. Marshall testified he has PTSD and suffers from constant headaches and cannot tolerate

noise. Mr. and Mrs. Marshall testified they moved to the country for the quiet. The unknown of what is to be developed, the impact on their family, and potential increase in traffic causes stress.

Mr. Moscrip testified that traffic control is a police matter, setback standards are sufficient to ensure distance from adjoining properties and the development will be fenced.

With no further testimony, the hearing was closed at 7:21 p.m.

Summertime Residential Properties - Preliminary Plat of River's Edge Subdivision No. 2: Variances of Lot Depth Requirement for Proposed Lots 4, 5, 15 in Block 1, Lots 6 -8 in Block 3, Lot 2 in Block 5, Lot 12 in Block 6, and Minimum Width Required at Building Line for Lot 2 in Block 6 of Proposed River's Edge Subdivision No. 2: Diana Luoma (7884 Richey Road) representing Summertime Residential Properties testified the proposed development is a continuation of the River's Edge Subdivision. The development will consist of 1500 - 2200 sq. foot single family homes on larger lots than the River's Edge Subdivision. Ms. Luoma testified they would like to work with the city in utilizing the open areas over the gas line easement in the subdivisions to meet goals of the comprehensive plan with a possible walk path or similar project.

Andrew Kimmel (3050 N. Lake Harbor Lane, Boise), engineer for the proposed development testified the area was planned for development about 15 years ago and the widening of Allen Avenue and placement of the utility infrastructure took place. The subdivision has been designed around two gas line easements and irrigation easement resulting in the need for variances. Upon review from the city engineers, variances are required or redesign is necessary for the maximum length of the southern cul-de-sac, the lot width requirement at building setback for Lots 4-7 Block 4, and the lot length requirement for Lot 2 Block 1. Washoe Road is built out to a 70' right-of-way with the exception of 50', which will be built out to match. Diana Luoma explained the subdivision will provide access to NW 21st Street and will improve the current traffic flow.

Written testimony was received from Public Works Director, Jerry Campbell, Will Mason of Mason & Associates, Kasey Ketterling of T-O Engineers, Midge Kline of Marathon Pipe Line, William Russell of T-O Engineers, Mary J. Murphy, and Andrew Kimmel of Great West Engineering.

Barbara Martien (342 Grizzly Drive) testified the commission needs to consider the city's ability to maintain facilities in making decisions in accepting new developments.

With no further testimony, the hearing was closed at 7:34 p.m.

Summertime Residential Properties - Preliminary Plat of River's Edge Subdivision No. 3: Diana Luoma (7884 Richey Road) representing Summertime Residential Properties testified the development is a further continuation of the River's Edge Subdivision. The subdivision consists of twenty-five building lots on ten acres north of NW 24th Street. The properties will be fenced and they will work with the city to develop a plan for the green space created by the gas line easement.

Andrew Kimmel (3050 N. Lake Harbor Lane, Boise), engineer for the proposed development will submit a revised plat to city council addressing comments from the city engineers. The development will include the widening of NW 24th, extending sewer line to the north for future developments.

Written testimony was received from Public Works Supervisor, Jerry Campbell, Kasey Ketterling of T-O Engineers, Midge Kline of Marathon Pipe Line, William Russell of T-O Engineers, Will Mason of Mason & Associates, and Andrew Kimmel of Great West Engineering.

Nathan McGehee (2603 Applewood Avenue) questioned how far the sewer line would go on NW 26th Street.

Don Mitchell (1583 NW 26th Avenue) questioned if the road would be disturbed in placing the sewer line and concerned with property owner's ability to access their properties.

Larry Hale (1557 NW 26th Avenue) testified to concerns with the placement of privacy fences and asked they be placed on property lines. Mr. Hale is not happy about the sewer placement down the street but understands the extension and has no issues with single family homes.

Greg Randleman (1560 NW 26th Avenue) questioned who is responsible and will bear the cost of returning NW 26th Avenue to its present condition after the sewer line installation. Mr. Randleman stated there were water lines crossing under the road.

Mr. Kimmel explained there is an existing sewer easement along the eastern edge of White Birch Estates, and the line will be placed in the right-of-way with little impact to the asphalt. They will locate all utilities before installation and will replace any asphalt necessary.

With no further testimony, the hearing was closed at 7:51 p.m.

Fruitland LLC - Annexation, Comprehensive Plan Amendment from Neighborhood Commercial to Light Industrial, Zone Designation of Light Industrial for Proposed Parcel 4, Comprehensive Plan Amendment and Rezone from Heavy Industrial to Light Industrial for Proposed Parcels 1-3 and Proposed SW 7th Street Right-of-Way for Property Adjacent to 602 SW 7th Street: Doug DeLong, representing Fruitland LLC testified they are requesting annexation and zone changes to obtain consistent zoning between parcels.

Written testimony was received from Kasey Ketterling of T-O Engineers, Public Works Supervisor, Jerry Campbell, Midge Kline of Marathon Pipe Line, Will Mason of Mason & Associates, and William Russell of T-O Engineers. With no further testimony, the hearing was closed at 7:56 p.m.

Ken & Julia Bishop - Comprehensive Plan Amendment & Rezone from Single Family Residential to Multi-Family Residential for 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road: Ken Bishop (315 N. Pennsylvania Avenue) testified he wishes to rezone five lots to Multi-Family Residential in order to bring the properties in

compliance with their use. Since the 1980's the lots have had multiple units and are non-compliant with the current code.

Written testimony was received from Kasey Ketterling of T-O Engineers, Idaho Transportation Department, Will Mason of Mason & Associates, Linda McQuisten, Midge Kline of Marathon Pipe Line, and William Russell of T-O Engineers.

Ed Needles (217 Johnson Road) opposed the request due ability to add more units, the size of the street and potential congestion.

Shaya Trujillo (1806 N Vista Avenue) testified rezoning from single family residential to multi-family residential opens up the possibility for apartments in the future. Ms. Trujillo asked the commission to consider traffic issues, road conditions, whether multi-family units would cosmetically suit surroundings, upkeep of apartments and property values.

Josh Knott (715 NW 3rd Street) testified he owns property on Johnson Road and N. Pennsylvania Avenue, and is in favor of the request. Mr. Knott feels property owners should be able to use their property as its intended to be used.

With no further testimony, the hearing was closed at 8:11 p.m.

Gerald & Terece Johnson - Annexation, Comprehensive Plan Amendment from County Agricultural to Single Family Residential, Zone Designation of Single Family Residential, Shor Plat and Development Agreement for Addition Subtraction Multiplication Subdivision in the South 1300 Block of NW 24th Street: Gary Johnson (505 Cedar Place, Philomath, OR) testified the property is a half-acre situated between two residences. Mr. Johnson is requesting a development agreement to reflect that curb and gutter will be installed when installation occurs on either side of the property.

Written testimony was received from Kasey Ketterling of T-O Engineers, Will Mason of Mason & Associates, Public Works Supervisor, Jerry Campbell, Midge Kline of Marathon Pipe Line, and William Russell of T-O Engineers.

Derrick Helderman (1350 NW 24th Street) testified he had no problem with the proposal but was concerned that his drain field runs into the property.

Mr. Johnson stated there have been several irregularities with the property and was unaware of the drain field issue.

With no further testimony, the hearing was closed at 8:17 p.m.

Paul Knudson - Variance of the Minimum Lot Size Requirement for Property in North 1200 Block of NW 19th Street: Paul Knudson (912 Bobwhite Street) testified the property was formerly approved for access to the lot north of the property. The current proposed development of River's Edge Subdivision No. 2 will provide access to the north lot, resulting in a vacant lot in a single family neighborhood. The lot is 50' wide x 106' deep with the code requiring 75' wide x

100' deep. Mr. Knudson is requesting a variance of the minimum lot size requirement with the desire of constructing a single family home.

Written testimony was received from Martha Buttram, and Mary J. Murphy. With no further testimony, the hearing was closed at 8:25 p.m.

Bouma USA Management - Conditional Use Permit to Allow Educational Facilities at 420 & 424 SW 3rd Street: Paul Bierlein (Grand Rapids, Michigan) representing Bouma USA Management, testified they are requesting a conditional use permit on behalf of the Treasure Valley Classical Academy. They desire to place four modular buildings for classrooms and one modular for restrooms on the subject property. Each modular would provide two classrooms, each with separate exterior doors and be situated in a manner to create a courtyard in the center. Each classroom will have up to twenty-seven children. The modular buildings are a temporary use as the school goes through the two to three year planning process for their addition to the building. The school will retain the existing parking lot which provides fourteen parking spaces in addition to spaces on SW 3rd Street and the alley. The request for the permit includes deferment of the parking and landscaping requirements during this time. Once the modular buildings are removed, the area will become a parking lot providing 50-60 spaces. A 6-foot vinyl coated black chain link fencing will enclose the property.

Steve Lambert (1205 Cottonwood Drive), Principal of Treasure Valley Classical Academy, testified the location would provide for 6th through 8th grade and then adding 9th grade. Four classrooms in the office building will become administrative space.

Nola Benedict (121 Grizzly Drive) testified to her experience with temporary modulars in relation to school facilities and asked the commissioners to consider the site and the availability of fire exits in the event of a fire emergency.

Mr. Bierlein testified they will work with officials to meet code requirements for fire routes and safety.

With no further testimony, the hearing was closed at 8:46 p.m.

Regular Meeting

Decision

Bouma USA Management - Conditional Use Permit to Allow Educational Facilities at 420 & 424 SW 3rd Street: Commissioner Judson made the motion to approve a conditional use permit allowing five modular structures with the conditions that landscaping and parking regulations are deferred until September 2023, modular units must be removed September 2023. Commissioner Dickinson seconded the motion. Motion carried.

Recommendations

Paul Knudsen - Variance of the Minimum Lot Size Requirement for Property in the North 1200 Block of NW 19th Street: Commissioner Dickinson made the motion to send a favorable

recommendation to the city council for a variance of the minimum lot size requirement as presented. Commissioner Ashley seconded the motion. Motion carried.

Grizzly Leasing, LLC - Annexation, Comprehensive Plan Amendment from Single Family Residential to Multi-Family Residential, Zoning Designation of Multi-Family Residential for Property in the North 2110 Block of E. 1st Street: Commissioner Dickinson made the motion to send a favorable recommendation to the city council for annexation as presented. Commissioner Judson seconded the motion. Motion carried. Commissioner Dickinson made the motion to send a favorable recommendation to the city council for comprehensive plan amendment from Single Family Residential to Multi-Family Residential and zone designation of Multi-Family Residential subject to a favorable development agreement. Commissioner Grant seconded the motion. Motion carried.

Summertime Residential Properties - Variances of Lot Depth Requirement for Proposed Lots 4, 5, 15 in Block 1, Lots 6-8 in Block 3, Lot 2 in Block 5, Lot 12 in Block 6, and Minimum Width Required at Building Line for Lot 2 in Block 6 of Proposed River's Edge Subdivision No. 2: Commissioner Judson made the motion to send a favorable recommendation to the city council for variances, observing the city engineer's comments. Commissioner DeCroo seconded the motion. Motion carried.

Summertime Residential Properties - Preliminary Plat of River's Edge Subdivision No. 2: Commissioner Judson made the motion to send a favorable recommendation to the city council for the preliminary plat of River's Edge Subdivision No. 2, observing the city engineer's comments. Commissioner DeCroo seconded the motion. Motion carried.

Summertime Residential Properties - Preliminary Plat of River's Edge Subdivision No. 3: Commissioner Grant made the motion to send a favorable recommendation to the city council for the preliminary plat of River's Edge Subdivision No. 3, observing the city engineer's comments. Commissioner Judson seconded the motion. Motion carried.

Fruitland LLC - Annexation, Comprehensive Plan Amendment from Neighborhood Commercial to Light Industrial, Zone Designation of Light Industrial for Proposed Parcel 4 Adjacent to 602 SW 7th Street: Commissioner Yasuda made the motion to send a favorable recommendation to the city council for the annexation, comprehensive plan amendment, and zone designation as presented. Commissioner Judson seconded the motion. Motion carried.

Fruitland LLC - Comprehensive Plan Amendment and Rezone from Heavy Industrial to Light Industrial for Proposed Parcels 1-3 and Proposed SW 7th Street Right-of-Way for Property Adjacent to 602 SW 7th Street: Commissioner Dickinson made the motion to send a favorable recommendation to the city council for the comprehensive plan amendment, and rezone as presented. Commissioner DeCroo seconded the motion. Motion carried.

Ken & Julia Bishop - Comprehensive Plan Amendment & Rezone from Single Family Residential to Multi-Family Residential for 301, 303, 305 N. Pennsylvania Avenue: Commissioner Judson made the motion to send a favorable recommendation to the city council

for a comprehensive plan amendment, and rezone as presented, upon a favorable development agreement. Commissioner Ashley seconded the motion. Motion carried.

Ken & Julia Bishop - Comprehensive Plan Amendment & Rezone from Single Family Residential to Multi-Family Residential for 301, 302, 303, 304, 305, 307, 312 Johnson Road: Commissioner Judson made the motion to send a favorable recommendation to the city council for a comprehensive plan amendment and rezone as presented, upon a favorable development agreement. Commissioner Dickinson seconded the motion. Motion carried.

Gerald & Terece Johnson - Annexation, Comprehensive Plan Amendment from County Agricultural to Single Family Residential, Zone Designation of Single Family Residential for Property in the South 1300 Block of NW 24th Street: Commissioner Heitz made the motion to send a favorable recommendation to the city council for the annexation, comprehensive plan amendment, and zone designation as presented. Commissioner Ashley seconded the motion. Motion carried.

Gerald & Terece Johnson - Short Plat of Addition Subtraction Multiplication Subdivision: Commissioner Heitz made the motion to send a favorable recommendation to the city council for the preliminary and final plat of the Addition Subtraction Multiplication Subdivision as presented. Commissioner DeCroo seconded the motion. Motion carried.

Gerald & Terece Johnson - Development Agreement for Addition Subtraction Multiplication Subdivision. Commissioner Heitz made the motion to send a favorable recommendation to the city council for a development agreement to reflect that curb and gutter will be installed when installation occurs on either side of the property. Commissioner Yasuda seconded the motion. Motion carried.

Chairman Carlman adjourned the meeting at 9:42 p.m.

Barry Carlman, Chairman

ATTEST:

Beth Earles, Secretary